

## Message Text

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ACTION EUR-12

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FM AMEMBASSY ROME  
TO SECSTATE WASHDC 3415  
INFO AMCONSUL FLORENCE  
AMCONSUL GENOA  
AMCONSUL MILAN  
AMCONSUL NAPLES  
AMCONSUL PALERMO

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E.O. 11652: N/A  
TAGS: SWEL, IT  
SUBJECT: NEW ABORTION LAW FACES IMPLEMENTATION PROBLEMS

REF.: (A) ROME 6293, (B) 77 ROME 7130, (C) ROME 19381, (D)  
ROME 7979, (E) ROME 1902

1. SUMMARY: ITALY'S NEW LIBERAL ABORTION LAW ENTERED INTO FORCE JUNE 6, BUT IS FACING SERIOUS PROBLEMS OF IMPLEMENTATION. CHIEF AMONG THESE ARE THE CONTINUING STRONG OPPOSITION OF THE CATHOLIC CHURCH, THE EXPECTATION THAT MANY DOCTORS AND OTHER MEDICAL PERSONNEL WILL CLAIM EXEMPTION FROM PARTICIPATING IN ABORTION OPERATIONS ON THE BASIS OF CONSCIENCE AS PROVIDED BY THE LAW, AND THE INADEQUACY OF NEEDED HEALTH FACILITIES, FINANCING AND ADMINISTRATIVE PLANNING. END SUMMARY.

2. ON MAY 18 THE ITALIAN SENATE, BY A VOTE OF 160 FOR TO 148 AGAINST, APPROVED A LAW WHICH VIRTUALLY PROVIDES ABORTION ON DEMAND AT STATE EXPENSE DURING THE FIRST 90 DAYS OF PREGNANCY. (ALTHOUGH THE BASIC PROVISIONS OF THE LAW HAVE BEEN REPORTED IN UNCLASSIFIED

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REFTELS, THE EMBASSY WILL SHORTLY BE FORWARDING TO THE DEPARTMENT, A TRANSLATION OF THE ENTIRE LAW.)

3. THE PASSAGE OF THE LEGISLATION ENDED A THREE-YEAR LEGISLATIVE DRAMA, ENTAILING A BITTER NATIONAL DEBATE WHICH AT ONE POINT IN EARLY 1976, CONTRIBUTED TO THE FALL OF THE GOVERNMENT, AND UNTIL NEARLY THE LAST MOMENT, THREATENED TO INVOLVE ITALY IN A

DIVISIVE REFENDUM, WHICH HAD BEEN SCHEDULED FOR JUNE 11. THE IMPLEMENTATION OF THE LAW, WHICH ENTERED INTO FORCE ON JUNE 6, MUST OVERCOME SOME SERIOUS PROBLEMS. AMONG THESE PROBLEMS ARE THE FOLLOWING: THE POSSIBILITY THAT MANY DOCTORS AND PARAMEDICAL PERSONNEL WILL TAKE ADVANTAGE OF THE LEGAL PROVISIONS TO EXEMPT THEMSELVES ON THE BASIS OF "OBJECTION OF CONSCIENCE" FROM TAKING PART IN ABORTION OPERATIONS; THE OVERALL SHORTAGE OF HOSPITAL BEDS; AND, INADEQUATE ADMINISTRATIVE PLANNING AND FINANCING TO COPE WITH ANY LARGE DEMAND FOR ABORTIONS.

4. IN THE CIRCUMSTANCES BOTH PRO AND COUNTER ABORTION GROUPS ARE MOBILIZING. THE CATHOLIC CHURCH CONTINUES TO STRONGLY OPPOSE ABORTION AND CATHOLIC ORGANIZATIONS AND MEDIA ARE ENGAGED IN A CAMPAIGN TO INFORM DOCTORS AND OTHERS ON THE LEGAL PROCEDURE FOR SEEKING EXEMPTION FROM PARTICIPATING IN ABORTION OPERATIONS. THE LAW PROVIDES THAT ANYONE WHO OBJECTS ON THE BASIS OF CONSCIENCE CAN BE EXEMPTED FROM ASSISTING IN ABORTION OPERATIONS, PROVIDED SUCH EXEMPTION IS SOUGHT WITHIN ONE MONTH OF THE LAW'S ENTRY INTO FORCE. SOME ESTIMATES ARE THAT AS MANY AS 50 PERCENT OF THE MEDICAL DOCTORS WILL CLAIM SUCH EXEMPTION. IN ADDITION, CHURCH-RUN HOSPITALS -- SOME 25 PERCENT OF ITALY'S TOTAL -- WILL NOT PERMIT ABORTIONS IN THEIR FACILITIES.

5. PRO-ABORTION GROUPS AND SUPPORTERS OF THE ABORTION LAW ARE ALSO MOBILIZING IN ORDER TO PRESS THE GOVERNMENT TO PROVIDE ADEQUATE IMPLEMENTING MEASURES AND FINANCING FOR THE NEW  
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LEGISLATION. THEY FEAR THAT UNLESS PUBLIC PRESSURE CONTINUES, THE INTENTION OF THE LAW TO ELIMINATE CLANDESTINE ABORTIONS, ESTIMATED AS BETWEEN 800,000 AND ONE MILLION FOR LAST YEAR, WILL BE FRUSTRATED. HOLMES

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